

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**_____X

JANICE FOSS,

Plaintiff,

-against-

**COCA-COLA ENTERPRISES INC., and GENE
TALLMAN, in his individual and official capacity.**

Defendants.

**DOCKET NO.: CV-07-1322
(JS)(WDW)**

**NOTICE OF MOTION FOR
SUMMARY JUDGMENT**

X

PLEASE TAKE NOTICE, that upon the annexed affidavit of Bradford G. Harvey dated July 30, 2010 and the exhibits attached thereto; the annexed supplemental affidavit of Bradford G. Harvey dated October 29, 2010 and the exhibits attached thereto; the annexed Local Civil Rule 56.1 Statement dated July 30, 2010 and for the reasons set forth in the accompanying memorandum of law, Defendants, Coca-Cola Enterprises Inc. ("CCE") and Gene Tallman ("Tallman"), pursuant to Fed.R.Civ.P. 56, Local Civil Rule 56 and the Individual Motion Practices of Judge Joanna Seybert, and in accordance with the schedule set at the pre-motion conference conducted on October 8, 2010 (Docket No. 85), hereby move this Court for an order granting summary judgment to Defendants upon the grounds that no genuine issue as to any material fact exists and that Defendants are entitled to judgment as a matter of law, together with such other, further and different relief as the Court may deem just and proper in the circumstance and the costs and disbursements of this motion.

**Dated: Chattanooga, Tennessee
October 29, 2010**

MILLER & MARTIN PLLC

By: s/ Bradford G. Harvey
Bradford G. Harvey
(admitted *pro hac vice*)
Ian K. Leavy
(admitted *pro hac vice*)
832 Georgia Avenue
1000 Volunteer Building
Chattanooga, TN 37402
Telephone: (423) 756-6600
Facsimile: (423) 785-8480

COLLIER, HALPERN, NEWBURG,
NOLLETTI & BOCK, LLP

Philip M. Halpern (PH 2658),
a member of the firm
One North Lexington Avenue
15th Floor
White Plains, New York 10601
(914) 684-6800

ATTORNEYS FOR DEFENDANTS

TO: Frederick K. Brewington, Esq.
Law Offices of Frederick K. Brewington
556 Peninsula Boulevard
Hempstead, NY 11550

CERTIFICATION

The undersigned hereby certifies that on October 29, 2010, the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system:

Frederick K. Brewington, Esq.
Attorney for Plaintiff
Law Offices of Frederick K. Brewington
556 Peninsula Boulevard
Hempstead, NY 11550

By: s/ Bradford G. Harvey
Bradford G. Harvey
(admitted *pro hac vice*)